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September 9, 2019

Hon. Katharine H. Parker
United States Magistrate Judge
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Daniel Kleeberg, Lisa Stein and Audrey Hays v. Lester Eber, et al.
Civ. Action No.: 16-cv-09517-LAK-KHP

Dear Judge Parker:

I write on behalf of the Estate of Elliott W. Gumaer, Jr. Thank you for granting my request to participate by telephone in tomorrow's 2:00 p.m. status conference.

In preparation for conference, I would like to raise the possibility of mediation. I have had candid discussions with counsel for both the plaintiffs and the Eber defendants regarding this matter in an effort to explore possible settlement. I think it is fair to say that I have rarely been involved in a commercial litigation where, following the close of discovery, the parties' evaluations have been as divergent as they are here. While I am not at all sure that another mediation would result in an immediate settlement, I do think it is highly likely that, at a minimum, mediation would result in significantly decreasing the distance between the parties' respective evaluations of the litigation risk here, greatly enhancing the prospect for eventual settlement. The Gumaer Estate is certainly prepared at this time to participate in good faith in such a mediation.

Finally, I would like to add one further thought. It has occurred to me that one possible way of resolving this dispute would be a sale of the operating Connecticut business, with the proceeds to be equitably divided among the parties.

Respectfully submitted,

Robert B. Calihan / AE

Robert B. Calihan

cc: Brian Brook, Esq. (via ECF)
Colin D. Ramsey, Esq. (via ECF)
Paul Keneally, Esq. (via ECF)